

Remarks/Arguments

Claims 1-20 are pending in this application, and are rejected in the final Office Action of January 25, 2007. No claim amendments are presented herein. However, a current listing of the claims is included herein for the Examiner's convenience.

Re: Claims 1-3 and 15-16

Claims 1-3 and 15-16 remain rejected under 35 U.S.C. §102(e) as anticipated by U.S. Patent No. 6,597,791 issued to Klayman (hereinafter "Klayman"). Applicant respectfully traverses this rejection since Klayman fails to teach or suggest all elements of the claimed invention, and therefore can not anticipate the same. Applicant again notes that independent claims 1 and 15 include:

"means for providing tonal compensation for the (L+R) signal **by increasing an amplitude of the (L+R) signal in a bass frequency band relative to a mid-range frequency band**" (emphasis added; see claim 1), and

"providing tonal compensation for the (L+R) signal **by increasing an amplitude of the (L+R) signal in a treble frequency band relative to a mid-range frequency band**" (emphasis added; see claim 15).

In the final Office Action of January 25, 2007, the Examiner continues to allege that signal adjusting device 36 of Klayman (see FIG. 1) corresponds to the foregoing elements of independent claims 1 and 15 (see, for example, page 3 of final Office Action). More specifically, the Examiner alleges that:

"Klayman discloses the **signal level adjusting device 36 is typically adjusted manually by a user according to his/her personal preferences by increasing the level of the sum signal (i.e., L+R signal), this would have inherently increasing [sic] an amplitude of the (L+R) signal in a bass or tremble [sic] frequency band as claimed. The increase in the bass or tremble [sic] frequency band of the (L+R) signal provided by signal level adjusting device 36 is relative to a mid-range frequency band of the signal since the broadly recited claims fail to provide absolutely any specific details regarding how such adjustment are being made between the two frequency bands as claimed.** Therefore, these broadly

recited and argued limitations are met by Klayman. And the rejection is maintained.” (emphasis added; see pages 7-8 of the final Office Action dated January 25, 2007)

As indicated above, the Examiner alleges that the manual adjustment capability of signal level adjusting device 36 inherently meets the limitations of independent claims 1 and 15. The Examiner then incredulously alleges that “the broadly recited claims fail to provide absolutely any specific details regarding how such adjustment are being made between the two frequency bands as claimed.” Applicant respectfully disagrees with the foregoing allegations for the following reasons.

First, regarding the latter allegation, Applicant notes that independent claims 1 and 15 do, in fact, recite “specific details regarding how such adjustment are being made between the two frequency bands.” In particular, independent claim 1 states that the “means for providing tonal compensation for the (L+R) signal” does so “by increasing an amplitude of the (L+R) signal in a bass frequency band **relative to a mid-range frequency band.**” Independent claim 15 states that the step of “providing tonal compensation for the (L+R) signal” is performed “by increasing an amplitude of the (L+R) signal in a treble frequency band **relative to a mid-range frequency band.**” Klayman nowhere discloses that signal adjusting device 36 performs tonal compensation in the manner defined by independent claims 1 and 15.

Next, regarding the allegation that the manual adjustment capability of Klayman’s signal level adjusting device 36 inherently meets the limitations of independent claims 1 and 15, Applicant notes that Klayman nowhere teaches or suggests that individual frequency bands of the (L+R) signal may be adjusted **relative to one another, as claimed.** Rather, the manual adjustment capability of Klayman’s signal level adjusting device 36 simply adjusts the “base level” of the (L+R) signal. In particular, Klayman states:

“Adjustment of the devices 36 and 38 is typically performed manually by a user to control the **base level** of sum and difference signal present in the output signals. This allows a user to tailor the level and

aspect of stereo enhancement according to the type of sound reproduced, and depending on the user's personal preferences" (emphasis added; see column 4, lines 39-45)

By adjusting the "base level" of the (L+R) signal, it is understood by Applicant that Klayman simply teaches the ability to adjust all frequency bands of the (L+R) signal at once, not the ability to adjust one frequency band relative to one another, as claimed. Accordingly, Klayman fails to teach or suggest, "means for providing tonal compensation for the (L+R) signal by increasing an amplitude of the (L+R) signal in a bass frequency band *relative to* a mid-range frequency band" as recited in independent claim 1, or "providing tonal compensation for the (L+R) signal by increasing an amplitude of the (L+R) signal in a treble frequency band *relative to* a mid-range frequency band" as recited in independent claim 15.

Even assuming, *arguendo*, that the manual adjustment capability of Klayman's signal level adjusting device 36 could adjust one frequency band of the (L+R) signal relative to another, Applicant notes that Klayman provides absolutely no teaching or suggestion of how such adjustment may be made. To simply argue that a user could hypothetically adjust individual frequencies of the (L+R) signal according to their preferences in the manner as claimed is insufficient as a matter of law to sustain a rejection under 35 U.S.C. §102. "For a prior art reference to anticipate in terms of 35 U.S.C. §102, every element of the claimed invention must be identically shown in a single reference." See *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990). In view of this clarification, Applicant respectfully requests withdrawal of the rejection of claims 1-3 and 15-16.

Re: Claims 4 and 10

Claims 4 and 10 remain rejected under 35 U.S.C. §103(a) as being unpatentable over Klayman. Applicant respectfully traverses this rejection since Klayman fails to teach or suggest all elements of the claimed invention.

Applicant again notes that independent claims 1 (from which claim 4 depends) and 10 include:

"means for providing tonal compensation for the (L+R) signal **by increasing an amplitude of the (L+R) signal in a bass frequency band relative to a mid-range frequency band**" (emphasis added; see claim 1), and

"circuitry operative to provide tonal compensation for the (L+R) signal path **by increasing an amplitude of an (L+R) signal in a bass frequency band and a treble frequency band relative to a mid-range frequency band, and wherein the tonal compensation of the (L+R) signal path is approximately complementary to a tonal frequency response of the (L-R) signal path**" (emphasis added; see claim 10).

As previously indicated above, the Examiner alleges that signal level adjusting device 36 of Klayman (see FIG. 1) corresponds to the foregoing elements of claim 1. The Examiner also alleges that signal level adjusting device 36 of Klayman corresponds to the foregoing elements of claim 10 (see page 5 of final Office Action dated January 25, 2007). Also indicated above, column 4, lines 39-45 of Klayman simply teaches that signal adjusting device 36 may be manually adjusted by a user according to his/her personal preferences to adjust the "base level" of the (L+R) signal. That is, by adjusting the "base level" of the (L+R) signal, it is understood by Applicant that Klayman simply teaches the ability to adjust all frequency bands of the (L+R) signal at once, not the ability to adjust one frequency band relative to one another, as claimed. Accordingly, Klayman fails to teach or suggest, *inter alia*, "means for providing tonal compensation for the (L+R) signal by increasing an amplitude of the (L+R) signal in a bass frequency band relative to a mid-range frequency band" as recited in claim 1 (and included in dependent claim 4), or "circuitry operative to provide tonal compensation for the (L+R) signal path by increasing an amplitude of an (L+R) signal in a bass frequency band and a treble frequency band relative to a mid-range frequency band, and wherein the tonal compensation of the (L+R) signal path is approximately complementary to a tonal frequency response of the (L-R) signal path" as recited in claim 10.

Moreover, even assuming, *arguendo*, that the manual adjustment capability of Klayman's signal level adjusting device 36 could adjust one frequency band of the

(L+R) signal relative to another, Applicant again notes that Klayman provides absolutely no teaching or suggestion of how such adjustment may be made. To simply argue that a user could hypothetically adjust individual frequencies of the (L+R) signal according to their preferences in the manner as claimed is insufficient as a matter of law to sustain a rejection under 35 U.S.C. §103. In particular, Applicant further notes that the mere fact that the prior art could be modified to produce a claimed invention is not a basis for an obviousness rejection under 35 U.S.C. §103 unless the prior art suggests the desirability of such a modification. See, for example, *In re Gordon*, 733 F. 2d 900, 221 USPQ 1125 (Fed. Cir. 1984) and *In re Laskowski*, 871 F.2d 115, 10 USPQ2d 1397 (Fed. Cir. 1989). In this case, Klayman provides absolutely no teaching or suggestion regarding the **desirability** of "... providing tonal compensation for the (L+R) signal by increasing an amplitude of the (L+R) signal in a bass frequency band relative to a mid-range frequency band" as recited in claim 1 (and included in dependent claim 4), or "... provid[ing] tonal compensation for the (L+R) signal path by increasing an amplitude of an (L+R) signal in a bass frequency band and a treble frequency band relative to a mid-range frequency band, and wherein the tonal compensation of the (L+R) signal path is approximately complementary to a tonal frequency response of the (L-R) signal path" as recited in claim 10. Accordingly, Klayman is insufficient as a matter of law to sustain a rejection under 35 U.S.C. §103(a). In view of this clarification, Applicant respectfully requests withdrawal of the rejection of claims 4 and 10.

Re: Claims 5-9, 11-14 and 17-20

Claims 5-9, 11-14 and 17-20 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Klayman in view of U.S. Patent No. 5,208,493 issued to Lendaro (hereinafter, "Lendaro"). Applicant respectfully traverses this rejection since Lendaro is unable to remedy the deficiencies of Klayman pointed out above with reference to independent claims 1, 10 and 15 (from which claims 5-9, 11-14 and 17-20 depend). In particular, neither Klayman nor Lendaro, whether taken individually or in combination, teaches or suggests, *inter alia*, "means for providing tonal compensation for the (L+R) signal by increasing an amplitude of the (L+R) signal in a bass frequency band relative to a mid-range frequency band" as recited in claim 1,

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"circuitry operative to provide tonal compensation for the (L+R) signal path by increasing an amplitude of an (L+R) signal in a bass frequency band and a treble frequency band relative to a mid-range frequency band" as recited in claim 10, or "providing tonal compensation for the (L+R) signal by increasing an amplitude of the (L+R) signal in a treble frequency band relative to a mid-range frequency band" as recited in claim 15. Accordingly, the proposed combination of Klayman and Lendaro fails to render obvious dependent claims 5-9, 11-14 and 17-20, and withdrawal of the rejection is respectfully requested.

Conclusion

In view of the foregoing remarks and arguments, Applicant believes that this application stands in condition for allowance. Accordingly, reconsideration and allowance are respectfully solicited. If, however, the Examiner is of the opinion that such action cannot be taken, the Examiner is invited to contact the Applicant's attorney at (609) 734-6813, so that a mutually convenient date and time for a telephonic interview may be scheduled. No fee is believed due. However, if a fee is due, please charge the fee to Deposit Account 07-0832.

Respectfully submitted,
ALAN ANDERSON HOOVER

By: 

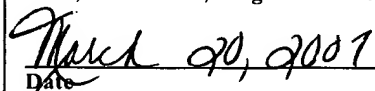
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